

**REMARKS**

Claims 1-3, 6, 7 and 9-23 are pending in the application. Of the above claims 9 and 10 are withdrawn from consideration and claims 1-3, 6, 7 and 11-23 are rejected. Claims 1, 3, 7 and 9 have been amended. No new matter is added.

Withdrawn method claim 9 has been amended to include all of the limitations of amended product claim 1. If claim 1 is found to be allowable, Applicants respectfully request rejoinder of claims 9 and 10 pursuant to MPEP §821.04.

**I. Rejection under 35 U.S.C. § 112**

Claims 1-3, 6-7 and 11-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Specifically, the Examiner considered that it is unclear which part of claims 1, 3 and 7 is the preamble. In response, claims 1, 3 and 7 have been amended to include a “:” after the transitional language “comprising.” Thus, in claims 1 and 3, the expression “A Group III nitride semiconductor device” is the preamble, and the body of the claim follows the transitional term “comprising.” In claim 7, “A Group III nitride semiconductor light-emitting device” is the preamble, and the body of the claim follows the transitional term “comprising.”

Further, as to claim 3, the Examiner considered that the structural relationship between the claimed “second layer” and the device is unclear.

As claimed in claim 3, the device comprises a substrate 1 and a plurality of Group III nitride semiconductor layers 2, 3 provided on the substrate. A first layer 2 in contact with the substrate is composed of  $\text{Al}_x\text{Ga}_{1-x}\text{N}$  ( $0 \leq x \leq 1$ ), and the difference in height between a protrusion

and a depression which are present at the interface between the first layer to a second layer 3 provided thereon is 10 nm or more and is equal to, or less than, 99 % the thickness of the first layer (Fig. 2). Particularly, as described at page 6, lines 19-28 of the specification, the second layer 3 is grown on the first layer 2, and the first layer is formed of aggregated columnar crystal grains 21, 22 and 23.

In view of the above, claim 3 has been amended to more clearly recite that the device comprises a second layer which is grown on the first layer. Accordingly, withdrawal of the foregoing rejection is respectfully requested.

Withdrawal of all rejections, rejoinder of claims 9 and 10, and allowance of claims 1-3, 6, 7 and 9-23 is earnestly solicited.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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